

## Residential In-Fill Program

---

State Statutes require that each City identify, in preparation of its General Plan, specific programs and policies to promote in-fill development, and locations where such development should be encouraged. Hence the Chandler General Plan, in its statement of goals, policies, and objectives relative to the Land Use Element, sets forth the following:

**Goal: Provide for quality in-fill development in developed areas of the City.**

**Objective: Consider and develop a program to provide realistic solutions and guidelines to achieve successful in-fill development.**

**Policy:** Identify the market forces that attract the development community to in-fill areas.

**Policy:** Consider inducements to promote quality in-fill and explore other ways Chandler can assist in providing compatible in-fill development.

**Policy:** Identify the characteristics, existing development patterns, and other criteria describing in-fill areas where proposals may qualify for an incentive-based program.

**Policy:** Identify the circumstances where single-use or mixed-use projects must be sensitive to the character and scale of surrounding neighborhoods.

**Policy:** Use techniques such as landscape buffers, building scale, and other features to provide a soft-edge transition to existing development for both residential and non-residential in-fill projects.

**Policy:** Consider only those proposals that clearly provide a positive contribution to and help the sustainability of the surrounding area.

**Policy:** Include area residents and property owners in the review of in-fill projects.

To this end, the intent of the Residential In-fill Program is to identify the qualification criteria and general requirements that any given site must meet to be considered as in-fill development (Section I); to specify the financial awards granted to such projects (Section II); and finally, to specify the development standards for these projects (Section III). The Planning & Development Director, or designee(s), shall determine whether any given application meets the qualification criteria, general requirements, and development standards, to qualify for the financial awards set forth herein. Those applications found by the Director to be qualified and eligible for consideration are then subject to approval by the Mayor and Council.

## **Section I. Qualification Criteria And General Requirements**

To be considered as “in-fill development” for the purposes of this program, the project proposal must comply with all of the following criteria:

- (a) The development proposal is to construct single-family ownership product<sup>1</sup>, either attached or detached, as a single-use project, or as a component of a mixed-use project (only that component constituting the single-family units shall be eligible for the financial awards outlined in Section II of this policy).
- (b) The project site is located one-half mile or further east of the Price Freeway/Loop 101 centerline, and north of the centerline of Pecos Road.
- (c) The project represents new development of a vacant parcel or lot(s) of record, duly recorded in the Office of the Maricopa County Recorder.
- (d) The project site is fully served by water/sewer utilities, paved street access and frontage. (Upgrades, repairs, capacity increases or extension of existing infrastructure as required by City Code to accommodate the project proposed, shall not disqualify the project for consideration as in-fill.)
- (e) The maximum net site area eligible for the financial awards generally shall not exceed ten acres, either as a single use project or as a component of a larger mixed used development.
- (f) In the event that the project site is currently zoned for nonresidential use, the Planning and Development Director may require that the project proposal be fully justified by written documentation from the developer, containing evidence that the demographic characteristics of the area within at least a one mile radius, or that market conditions in general, do not support the nonresidential use allowed by its current designation, and further, that such demographics and/or market conditions are unlikely to change significantly in the next five years to warrant such nonresidential use. If required, such written documentation may be submitted prior to, or in conjunction with, the zoning application.
- (g) The Planning and Development Director may require documentation from the developer to demonstrate that the project would likely not be able to proceed under its own pro forma, without receiving the financial awards available through this program.

### General Requirements

Projects qualifying as in-fill development under the above criteria must comply with the following general requirements:

1. A written Statement of Intent must be submitted by the developer for approval by the Planning and Development Director. This statement shall include a description of the specific type(s) of single-family ownership units to be accommodated, development timing if any, the anticipated date of completion, and how the project

---

<sup>1</sup> For purposes of this program, “single-family ownership product” shall mean dwelling units designed and constructed for owner occupancy, whether such units are attached or detached, including townhomes, condominiums, and other owner-occupant variations, wherein such product is required by City Code to be platted as a subdivision for review and approval by the Mayor and City Council, and recordation in the Office of the Maricopa County Recorder.

meets the requirements of this program.<sup>2</sup> In addition, the Director may require a study documenting the economic viability of the proposed project.

2. For any project to be granted the financial awards provided in Section II of this program, the developer shall enter into an agreement with the City, in a form to be approved by the City Attorney, to ensure that the project will in fact be developed for the purposes stated by the developer, in conformance with this program. Said agreement shall be subject to approval by the Mayor and Council.
3. For projects that require zoning approval by the Mayor and Council, the developer shall conduct one or more neighborhood meetings, as necessary, for the purpose of presenting the residential project and its physical characteristics, including but not limited to, subdivision layout/site development, housing product, landscaping, screening, and other details. Such meeting shall be noticed in the same manner as required by the City Zoning Administrator for the rezoning, and in fact may be the same meeting which satisfies the citizen review/public hearing requirements as set forth in Section 35-2600 of the City Code.
4. For projects where the existing zoning allows by right all components of the project, the developer shall nevertheless conduct an open house or other communication, to inform the owners of property located within the same distance as would have been required by the City Zoning Administrator for rezoning, at least ninety days prior to the start of construction.
5. Project density shall not be determined or otherwise be affected by this program, or by any development agreement as may be approved by the Mayor and Council for the project. Rather, such density shall be subject to the limitations set forth by existing zoning, or by the zoning approval as may be granted by the Mayor and Council, if applicable.
6. As part of approving any application for an agreement as may come before it, the Mayor and Council must make the finding<sup>3</sup> that the development quality of the project as a whole, is at least commensurate with that of the adjoining existing uses, that it demonstrates sensitivity to the character and scale of any existing residential uses that may be adjoining, and that the project has the potential to stimulate further interest and development activity in the area.
7. Whether submitting for rezoning and/or the agreement, an applicant's compliance with all of the qualification criteria and general requirements as set forth herein for in-fill development, shall not assure that such approval(s) will necessarily be granted by Council.

---

<sup>2</sup> The Statement of Intent may be submitted prior to, or in conjunction with, an application seeking rezoning/preliminary development plan approval, but in all events prior to seeking any building permit approvals.

<sup>3</sup> Such finding by Council may be based, at least in part, upon the developer making effective use of landscape buffers, building orientation(s), building heights, placement of second story windows and balconies, etc., which serve to make a soft-edge transition to existing development, as well as upon accurate documentation submitted by the developer relative to property values in the area, maintenance levels, demographic trends, and other tangible characteristics applicable to the area in question.

## **Section II. Financial Awards**

For a project that meets the qualification criteria and general requirements for in-fill development as set forth in Section I of this program, the City may award the developer \$5,000 per dwelling unit that is subsequently constructed, which the developer may use to recoup or at least partially defray any of the costs associated with the development. Pending the availability of funding each year, said award would be paid by the City at such time as construction is completed and dwelling units are cleared for occupancy from an account specifically designated for this purpose, as part of the annual City budget.<sup>4</sup>

The developer shall be responsible for paying all of the City fees applicable to the project at the time building permits are issued, irrespective of any agreement providing financial awards as may have been granted by Council. The posting of warranty bonds and performance bonds, as required by City Code, shall also remain the responsibility of the developer.

An additional cash amount, not to exceed \$5,000 per dwelling unit, may be awarded to defray costs incurred relative to demolition of existing substandard dwelling(s), wherein such project otherwise meets the qualification criteria and general requirements set forth in this program, and the demolished units are replaced by newly constructed units in conformance with this program.

Should the Building Official determine that the dwelling(s) proposed for demolition by the applicant are indeed substandard, i.e., that such units possess any or all of the conditions pertaining to substandard dwellings as referenced in Chapter 10 of the Uniform Housing Code and successor editions as adopted by the Chandler City Council, each unit demolished may be eligible for the additional cash award not to exceed \$5,000 per dwelling unit.<sup>5</sup> These financial awards to partially defray the developer's costs for demolition, up to the additional \$5,000 maximum amount, shall be expressly provided for in the agreement, for approval by the Mayor and Council.

Given the prospect of competition for whatever funds that may be authorized each year for this program, City staff shall administer the financial awards as equitably as possible, on a first come/first serve basis.<sup>6</sup> Within thirty days of receiving City clearance to occupy one or more

---

<sup>4</sup> *It is important to note that the availability of this financial award is subject to annual approval through the City budget by the Mayor and Council, and further, that such award may be granted only for as long as funds remain available from the amount budgeted each year.*

<sup>5</sup> *In the event that the demolition activity involves remediation of asbestos, the developer shall certify to the City that such remediation has been performed in accordance with City standards including a complete asbestos survey, and that the asbestos was completely abated prior to beginning of the demolition activity. Such certification shall be in the form of a written statement signed by the developer, accompanying his/her letter to the Planning Director requesting dispersal of the cash awards set forth in the agreement approved by the Mayor and Council.*

<sup>6</sup> *"First come/first serve" shall be determined by the time and date that the developer's Statement of Intent (see Section I, General Requirements, paragraph (a)) is received by the Planning & Development Director, either by mail or delivered in person. Immediately upon approval of the agreement by the Mayor and Council, the Director or designee shall issue a purchase order to encumber funds for the financial award, calculated at the rate of \$5000 per dwelling unit and if applicable, an additional amount not to exceed \$5000 per dwelling defraying the costs for each unit demolished, provided that sufficient funds are available from the designated City account. Itemized costs for any demolition shall be presented in a statement provided by the developer, accompanying his/her letter to the Planning Director requesting dispersal of the amounts set forth in the agreement approved by the Mayor and Council. The*

dwelling units, the applicant must submit a letter to the Planning and Development Director, or designee, requesting the financial award and identifying the address of each newly constructed unit for which the award is sought, together with the addresses of those units, if any, which were previously demolished as so designated in the agreement approved by Council. Upon receiving the letter and subsequently verifying that the clearance(s) have been issued with no remaining issues regarding code compliance, project completion, or other term(s) of the agreement, the Director or designee shall forward a request to the City Accounting Division to release a check payable to the developer for an amount determined by the number of units demolished, plus the number of new units subsequently constructed and cleared for occupancy, in accordance with the provisions of the agreement.<sup>7</sup>

### **Section III. Development Standards**

In addition to meeting the applicable standards and requirements set forth in City development codes, in-fill development projects receiving the financial awards provided in Section II of this program, shall also comply with each of the following development standards as applicable:

- (a) To reduce the financial obligations of a homeowners' association, in the event that a developer wishes to form one, the City encourages storm water retention basins to be located, where practical and feasible, adjacent to a major arterial street so as to enable, at the City's election, dedication to the City for maintenance, unless such capacity is already provided for within an existing basin.<sup>8</sup>
- (b) For the purposes of determining project eligibility under this program, all streets and drives within the residential development shall be dedicated to the City for maintenance by the City. Private streets, common areas, and tracts for private purposes other than storm water retention, shall be prohibited within subdivisions featuring detached units, and minimized to the extent practical and feasible within subdivisions featuring attached units. Gated communities featuring attached or detached units shall not be considered eligible for any cash awards under this program.

---

*encumbrance shall remain for an initial period of two (2) years. If construction has not commenced by the end of such period, or if evidence exists that construction will not be completed by the developer identified, or in the manner specified in the agreement approved by Council, the Director or designee may remove the encumbrance to make those funds available for other requests. The Director may extend the encumbrance period for reasons directly related to the project itself, such as project size, scope, degree of difficulty with respect to land acquisition(s), relocations, environmental abatements, and the like, provided however, that the Director finds that the developer is nevertheless making every good faith effort to complete the project in as timely a manner as possible.*

<sup>7</sup> *In a situation where demolition of substandard building(s), as determined by the City Building Official, has been completed in compliance with all City requirements but no new dwellings have been completed, the developer shall not be entitled to the financial award stipulated in the Council agreement until such time as the new dwelling units have been constructed and cleared for occupancy, all in accordance with the Council agreement.*

<sup>8</sup> *The City shall not be considered obligated to accept any storm water retention basin for maintenance, and the costs of maintaining such basin or other common area privately if distributed over too small a number of lots, may constitute basis for the City to disapprove a developer's application for the cash awards.*

- (c) Each single-family ownership product shall include, as standard, all of the following features (condominium development shall be exempt from the requirements of items number 1-4):
1. Front yard landscaping consisting of at least two trees 15 gallon in size or larger, plus six shrubs 5 gallon in size or larger, plus ground cover, all being drought tolerant material, with automatic underground irrigation
  2. Two parking spaces within a garage enclosure, attached or detached, and architecturally integrated.
  3. One hundred twenty sq. ft. enclosed storage area under roof, attached or detached to the dwelling unit (unless such space is available in the garage without displacing a parking space).
  4. Rear yard fully enclosed by a six ft. high masonry wall, with solid gates as necessary.
  5. Copper electrical circuitry throughout the dwelling.
  6. Insulation values to achieve a minimum R-19 exterior wall rating and R-30 roof rating, certified by a local utility provider.
  7. Roofing materials certified by the manufacturer to achieve a 25-year life or greater.